

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>DAVID J. POPKO,</b>	:	No. 1:13-cv-01845
<b>Plaintiff,</b>	:	
	:	<b>(Judge Kane)</b>
<b>v.</b>	:	
	:	
<b>PENN STATE MILTON S.</b>	:	
<b>HERSHEY MEDICAL CENTER, <u>et al.</u>,</b>	:	
<b>Defendants</b>	:	

**ORDER**

**AND NOW**, on this 19th day of August 2015, **IT IS HEREBY ORDERED THAT** Defendants' motion to dismiss for failure to state a claim (Doc. No. 29) is **GRANTED**, and the sole remaining causes of action in this matter are (1) Plaintiff's age discrimination claim under the Age Discrimination in Employment Act and (2) his retaliation claim under the Family Medical Leave Act, as described in the Court's order and memorandum of July 14, 2014; Plaintiff's remaining claims are **DISMISSED WITH PREJUDICE**.

**IT IS FURTHER ORDERED THAT** Defendants' motion to dismiss for lack of prosecution (Doc. No. 42) is **DENIED**, although Defendants may renew their motion later if circumstances warrant.

**IT IS FURTHER ORDERED THAT** a telephone conference is scheduled for September 11, 2015, at 11:30 a.m. Prior to the conference, the parties shall submit a new joint case management plan on or before September 4, 2015. Plaintiff is advised that he must inform the Court at that time whether he is engaging his prior counsel, whether he is retaining new

counsel, or whether he intends to proceed in this matter pro se. Defendant's counsel shall initiate the conference call. The telephone number of the Court is 717-221-3990.

S/ Yvette Kane  
Yvette Kane, District Judge  
United States District Court  
Middle District of Pennsylvania